

REMARKS

Claims 1-10 and 12-26 are pending in this application. Claims 1-9 have been withdrawn from consideration. Claims 10-26 are currently under examination. Claim 10 has been amended to incorporate the features of original claim 11. Claim 11 has therefore been cancelled. No new matter has been introduced by this submission.

The Examiner has maintained the rejection of claims 10-26 under 35 U.S.C. § 103(a) as allegedly being obvious over the combined teachings of WO 93/00882 (hereinafter '882) in view of US 6,231,844 (hereinafter '844) and US 4,871,530 (hereinafter '530). Applicants respectfully traverse the merits of these rejections as set forth below.

Applicants' claims are directed generally to a method for neutralizing relaxed hair. The method comprises, in part, providing hair that has been treated with a relaxing agent and subsequently contacting the relaxed hair with one or more applications of a neutralizer mousse composition. In rejecting these claims, the Examiner first relies upon the '882 reference for its general teaching of applying a hair relaxer to hair followed by an application of a neutralizer rinse to the relaxed hair. Significantly, the Examiner acknowledges that the '882 reference differs from the claimed invention at least because it fails to teach a neutralizing composition that is applied to relaxed hair in the form of a mousse composition. In view of this deficiency, the Examiner relies upon the secondary teachings of the '844 and '530 references to support the assertion that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the neutralizing step of the '882 reference by substituting the neutralizer rinse with a neutralizing mousse composition as claimed. Applicants again respectfully submit that the proposed combination of references cannot form the basis of a proper obviousness rejection.

In support of the alleged obviousness of the proposed modification to the neutralizing step of the '882 reference, the Examiner continues to rely on an excerpt from the '844 reference which states that hair mousses are formulated for the purpose of styling, setting, and arranging, or for other purposes such as shampooing, conditioning, treating, dyeing, and combinations thereof. Specifically, on page 6 of the Office Action the Examiner suggests it would be *prima facie* obvious for one of ordinary skill in the art to modify the neutralizer rinse of the '882 reference to

be in the form of a mousse with a reasonable expectation of success because a mousse product as taught by the '844 reference would not only neutralize relaxed hair but would provide good style control, conditioning effect and good feel to the hair. Applicants respectfully disagree.

The relevant portion of the '844 reference relied upon by the Examiner further teaches that mousse compositions are "leave on" treatments that, once applied to hair, presumably remain in contact with the hair for an indefinite period of time. *See* col. 1, lines 27-44. Thus, the advantages of a hair mousse formulation as taught by the '844 reference and relied upon by the Examiner as motivation for the proposed modification to the neutralizer rinse of the '882 reference would only be expected of a "leave on" treatment that remains in contact with hair for an indefinite period of time. In contrast, applicants claims' provide a method whereby the mousse only remains in contact with the hair for a defined period of time, *i.e.*, from about 30 seconds to about 20 minutes. Further, the claims as amended also now comprise the step of rinsing the neutralizer mousse composition from the relaxed hair. This is in complete opposite to the teachings of the '844 patent that suggest a mousse is a "leave on" treatment that is not subsequently rinsed from the hair. Accordingly, contrary to the Examiner's assertions, one of ordinary skill in the art would not have been motivated by the teachings of the '844 reference to modify the neutralizing treatment of the '882 reference to provide a non "leave on" mousse formulation that is subsequently rinsed from hair.

The Examiner's continued reliance on the '530 reference also fails to provide the requisite motivation for one of ordinary skill in the art to utilize a mousse as a neutralizer. The '530 reference discloses that a delayed-foaming aqueous gel can be applied before or after waving or hair straightening. To that end, the Examiner continues to suggest that waving of hair is the same as relaxing hair and thus the '530 reference teaches that a mousse composition can be applied to relaxed hair. However, the scope of a reference's disclosure must be taken on its face and, to that end, nowhere does the '530 reference indicate that waved hair is relaxed hair. Moreover, there similarly is no teaching or suggestion that such delayed-foaming aqueous gel compositions are suitable for use as a neutralizer mousse formulations that remain in contact with the hair for a defined period of time, *i.e.*, from about 30 seconds to about 20 minutes and that are subsequently rinsed from the hair.

Lastly, in response to Applicants' prior arguments noting the unexpected results obtained by the method of claims 10-26, the Examiner suggest that none of the claims are limited to the unexpected data in the specification. *See* Office Action, page 7. Applicants' respectfully disagree. Claims 12 and 13 are, for example, directed to methods wherein the relaxed and neutralized hair exhibits fewer broken hair fibers as compared to relaxed hair that has been neutralized with a shampoo neutralizer product. Specifically, claim 12 recites a method wherein the relaxed and neutralized hair exhibits at least 10% fewer broken hair fibers and claim 13 recites a method wherein the relaxed and neutralized hair exhibits at least 20% fewer broken hair fibers. To that end, the Examiner has failed to provide any support or objective rationale why at least claims 12 and 13, which are in fact directed to superior and unexpected results, would be obvious in view of the cited references.

For at least these reasons, Applicants respectfully assert that Claims 10 and 12-26 are not obvious over the combined teachings of WO 93/00882 in view of US 6,231,844 and US 4,871,530 and the instant rejections should be withdrawn.

CONCLUSION

In view of the foregoing Remarks, it is respectfully asserted that the rejections set forth in the Office Action of August 5, 2009 have been overcome and that the application is in condition for allowance. Therefore, Applicants respectfully seek notification of same.

Should the Examiner have any questions regarding this Reply, or which may advance the efficient prosecution of the application, the Examiner is courteously invited to contact the undersigned at the telephone number and address listed below.

Respectfully submitted,

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